

memorandum

DATE: August 15, 2006

REPLY TO
ATTN OF: Office of Air, Water and Radiation Protection Policy and Guidance (EH-41):Koss:6-7964

SUBJECT: Information -- Clean Air Act Final Rule Establishing Fine Particle De Minimis Emission Levels for General Conformity Applicability

TO: Distribution

On July 17, 2006, the Environmental Protection Agency (EPA) amended its Clean Air Act (CAA) general conformity regulations in 40 CFR 51 Subpart W and 40 CFR 93 Subpart B (71 FR 40420; available at the Department of Energy (DOE) Environmental Policy and Guidance Web site at: <<http://www.eh.doe.gov/oepa/rules/71/71fr40420.pdf>>). This final rule revises the definition of precursors of a criteria pollutant to include fine particulate matter with an aerodynamic diameter equal or less than 2.5 microns (PM_{2.5}); adds PM_{2.5} to the list of criteria pollutants subject to conformity requirements; and establishes de minimis emission levels (also known as threshold emission rates) for PM_{2.5} and its precursors. The threshold emission rate refers to the criteria pollutant emissions or precursor emission rate for nonattainment and maintenance areas in 40 CFR 93.153(b)(1) and (2), respectively, below which the CAA general conformity requirements would not apply.

The rule is applicable to proposed DOE actions in PM_{2.5} nonattainment and maintenance areas where the proposed action will result in air emissions of PM_{2.5} or PM_{2.5} precursors. Approximately 19 DOE sites are located in PM_{2.5} nonattainment areas. Air quality attainment/nonattainment designations for geographic areas with DOE sites are available at the DOE Environmental Policy and Guidance web site at: <<http://homer.ornl.gov/oepa/data/naaqs.cfm>>. For DOE activities in other areas, EPA's PM_{2.5} air quality attainment/nonattainment designations for all areas of the U.S. are available at <<http://www.epa.gov/oar/oaqps/greenbk/>>.

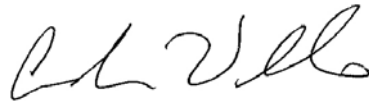
The CAA general conformity requirement is designed to prevent Federal actions from causing or contributing to a violation of the National Ambient Air Quality Standards or interfering with the purpose of a State implementation plan. DOE guidance on complying with the general conformity requirements is at: <<http://www.eh.doe.gov/oepa/guidance/caa/caaguidance.pdf>> and <<http://www.eh.doe.gov/oepa/guidance/caa/conformbrf.pdf>>.

PM_{2.5} in the atmosphere can come from direct PM_{2.5} emissions from sources such as coal-fired steam generating plants and diesel engines, and from transformation of precursors and condensing of gaseous pollutants in the atmosphere. EPA has identified sulfur dioxide, nitrogen oxides, volatile organic compounds, and ammonia as potential PM_{2.5} precursors (71 FR 40421).

The threshold PM_{2.5} emission rates in PM_{2.5} nonattainment and maintenance areas that are established in the final rule are shown in the following box:

direct PM _{2.5} emissions	100 tons/yr
sulfur dioxide	100 tons/yr
nitrogen oxides (unless both the State and EPA determine that it is not a significant PM _{2.5} precursor)	100 tons/yr
volatile organic compounds or ammonia (only where either the State or EPA determines that they are significant PM _{2.5} precursors)	100 tons/yr

Questions on the final rule should be directed to Ted Koss of my staff (<theodore.koss@eh.doe.gov>; 202-586-7964).



Andrew Wallo
Director
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